



POLICE DEPARTMENT

September 21, 2021

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In the Matter of the Charges and Specifications	:
- against -	:
Police Officer Narda Grant	:
Tax Registry No. 941844	:
28th Precinct	:
Police Officer Stephanie Hanna	:
Tax Registry No. 943941	:
28th Precinct	:
-----X	

Case Nos.

2018-18750

2018-18751

At: Police Headquarters
One Police Plaza
New York, NY 10038

Before: Honorable Paul M. Gamble
Assistant Deputy Commissioner Trials

APPEARANCES:

For the Department: Anna Krutaya, Esq.
Department Advocate's Office
One Police Plaza
New York, NY 10038

For the Respondent: John Tynan, Esq.
Worth, Longworth & London, LLP
111 John Street, Suite 640
New York, NY 10038

To:

HONORABLE DERMOT F. SHEA
POLICE COMMISSIONER
ONE POLICE PLAZA
NEW YORK, NY 10038

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CHARGES AND SPECIFICATIONS

Disciplinary Case No. 2018-18750

1. Said Police Officer Narda Grant, while assigned to the 28th Precinct, on or about October 8, 2017, while on duty, failed to make accurate, concise entries in Department records in chronological order, to wit, said Police Officer failed to note that an individual was injured in police custody and failed to note that the said individual received medical care at the scene.

P.G. 203-05, Page 1, Paragraph 4
P.G. 212-08, Page 1, Paragraph 1(c)(2)
P.G. 216-01, Page 2, Paragraph 5

PERFORMANCE ON DUTY - GENERAL
ACTIVITY LOGS
AIDED CASES- GENERAL PROCEDURE

2. Said Police Officer Narda Grant, while assigned to the 28th Precinct, on or about October 8, 2017, while on duty, wrongfully engaged in conduct prejudicial to the good order, efficiency, or discipline of the Department, to wit said Police Officer gave an improper disposition at the completion of a job.

P.G. 203-10, Page 1, Paragraph 5

PUBLIC CONTACT –
PROHIBITED CONDUCT
GENERAL REGULATIONS

3. Said Police Officer Narda Grant, while assigned to the 28th Precinct, on or about October 8, 2017, while on duty, failed to prepare a Complaint Report. *(As amended)*

P.G. 207-04 Page 1, Paragraphs 2, 4
OPERATIONS ORDER #5, Page 1
Paragraphs 1 & 2(a)

COMPLAINTS
PROPER PRELIMINARY
INVESTIGATIONS OF COMPLAINTS
COMPLAINT RECORDING AND
ACCURATE CLASSIFICATION OF
COMPLAINTS

4. Said Police Officer Narda Grant, while assigned to the 28th Precinct, on or about October 8, 2017, while on duty, failed to take proper investigatory steps after learning that a civilian had been injured while in police custody and that said civilian sustained property damage. *(Dismissed)*

P.G. 221-03, Page 4, Paras. 3, 4, 6, 8b

TACTICAL OPERATIONS

5. Said Police Officer Narda Grant, while assigned to the 28th Precinct, on or about October 8, 2017, while on duty, failed to prepare an Aided Report for an individual who was injured while in police custody. *(As amended)*

P.G. 216-01, Page 2, Paragraph 8(a)

AIDED CASES GENERAL PROCEDURE

6. Said Police Officer Narda Grant, while assigned to the 28th Precinct, on or about October 8, 2017, while on duty, engaged in conduct prejudicial to the good order, efficiency, or discipline of the Department, to wit: said Police Officer failed to report misconduct of another Member of Service to a supervisor.

P.G. 203-10, Page 1, Paragraph 5

PUBLIC CONTACT –
PROHIBITED CONDUCT
GENERAL REGULATIONS

7. Said Police Officer Narda Grant, while assigned to the 28th Precinct, on or about October 8, 2017, while on duty, engaged in conduct prejudicial to the good order, efficiency, or discipline of the Department, to wit: said Police Officer failed to disclose to a supervisor the extent of the circumstances surrounding a radio run that she was assigned to. (*As added*)

P.G. 203-10, Page 1, Paragraph 5

PUBLIC CONTACT –
PROHIBITED CONDUCT
GENERAL REGULATIONS

8. Said Police Officer Narda Grant, while assigned to the 28th Precinct, on or about October 8, 2017, while on duty, failed to follow proper procedure for release of a prisoner, to wit: Said Officer failed to confer with a Patrol Supervisor and obtain consent for release of a prisoner and failed to notify the Desk Officer of the circumstances of a release of a prisoner. (*Dismissed*)

P.G. 210-13, Page 1, Paras. 1 and 1(b)(1) RELEASE OF PRISONERS

9. Said Police Officer Narda Grant, while assigned to the 28th Precinct, on or about October 8, 2017, while on duty, failed to properly process an arrest after taking custody of an individual arrested by another Member of Service. (*Dismissed*)

P.G. 208-02, Page 1, Paragraph 3

ARRESTS- REMOVAL TO
DEPARTMENT FACILITY FOR
PROCESSING

10. Said Police Officer Narda Grant, while assigned to the 28th Precinct, on or about October 8, 2017, while on duty, failed to complete required paperwork for a voided arrest. (*Dismissed*)

P.G. 210-13, Page 1, Paragraphs 6, 7

RELEASE OF PRISONERS

Disciplinary Case No. 2018-18751

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records in chronological order, to wit, said Police Officer failed to note that an individual was injured in police custody and failed to note that the said individual received medical care at the scene.

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P.G. 212-08, Page 1, Paragraph 1(c)(2)
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2. Said Police Officer Stephanie Hanna, while assigned to the 28th Precinct, on or about October 8, 2017, while on duty, wrongfully engaged in conduct prejudicial to the good order, efficiency, or discipline of the Department, to wit said Police Officer gave an improper disposition at the completion of a job.

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CONDUCT – GENERAL REGULATIONS

7. Said Police Officer Stephanie Hanna, while assigned to the 28th Precinct, on or about October 8, 2017, while on duty, engaged in conduct prejudicial to the good order, efficiency, or discipline of the Department, to wit: said Police Officer failed to disclose to a supervisor the extent of the circumstances surrounding a radio run that she was assigned to. (*As added*)

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P.G. 210-13, Page 1, Paragraphs 6, 7

RELEASE OF PRISONERS

REPORT AND RECOMMENDATION

The above-named members of the Department appeared before me on July 26 and 27, 2021. Respondents, through their counsel, entered pleas of Not Guilty to the subject charges. The Department called Sergeant Nicholas Graziano, Police Officer Creel Brown, and Sergeant Frank Arnedos as its witnesses. Respondents testified on their behalves. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's

review. Having reviewed all of the evidence in this matter, I find Respondent Grant Guilty of the charged misconduct and recommend a penalty of five vacation days. I further find Respondent Hanna Guilty of the charged misconduct and recommend a penalty of five vacation days.

ANALYSIS

The following is a summary of the facts which are not in dispute.

On October 8, 2017, Respondents received a radio dispatch call, at approximately 1600 hours, directing them to [REDACTED] Frederick Douglass Boulevard. The initial classification of the call was a “10-34, assault with a possible weapon;” the dispatcher later changed it to “EDP” (T. 25, 116, 241, 244, 270, 320-321, 339). The dispatcher provided the detail that “a man was being belligerent and throwing things” (T. 341). When they arrived at the location in the radio call, a Chinese restaurant, they interviewed the occupants, who told them that there was no trouble there (T. 242, 273, 321-322, 342). As Respondents left that restaurant, the manager of the [REDACTED] Restaurant, located on the same block, at 2168 Frederick Douglass Boulevard, approached them (T. 243, 275, 322).

They also observed Police Officers Schivek and Brown arrive at the scene on foot (T. 115, 117, 243-244, 275). Bystanders advised Schivek and Brown that the subject of the radio call was at the corner of 116th Street and Frederick Douglass Boulevard. Respondents heard a person they later learned was a waiter from the [REDACTED] Restaurant saying, “That’s him,” and pointing toward **Person A** (T. 117-118, 245-246, 276).

The manager informed Respondents that **Person A** had taken issue with his decision to refuse further drink orders because, in his opinion, **Person A** had been overserved (T. 123-124, 278). The manager described **Person A** as being drunk and belligerent (T. 344). A waiter

informed Respondents that Person A had thrown “a cup” and broken it (T. 345). The restaurant staff asked Person A to leave with his sister and his girlfriend (T. 278).

Police Officer Brown saw Person A appearing to wait for the traffic light to change before he crossed Frederick Douglass Boulevard; Brown crossed the street to intercept him at the southwest corner of 116th Street and Frederick Douglass Boulevard (T. 119, 138-139, 246). Brown then directed Person A to return to the restaurant with him to issue an apology. Person A walked toward the restaurant but appeared to balk at Brown’s demand for an apology, stopping several times to protest. When Person A and Brown began walking toward the restaurant, Person A two female companions, his sister and his girlfriend, followed him and eventually ran past both men (T. 119-120, 247, 280).

Both women spoke with Respondents and expressed concern at Brown's actions; according to the women, they paid their bill and left a gratuity when asked to leave by the restaurant staff (T. 249, 323). Respondents observed Brown pushing Person A forward, telling him, “You’re going to go apologize” (T. 145-146, 250, 324). Respondents observed that Person A was staggering slightly and “stumble[ed] a bit” (T. 250). Person A turned around toward Brown and stated, “I’m not going to apologize!” (T. 251, 282-283). At this point, Brown grappled with Person A and attempted to bring him to the ground (T. 120-121, 251-252). When Respondents heard a loud sound, they turned to see Person A lying on his side on the sidewalk with Brown attempting to handcuff him (T. 253, 325).

After placing Person A in handcuffs, Respondent Hanna told Brown to leave the scene in an attempt to de-escalate the situation, as a crowd had formed in response to Brown's use of force (T. 122, 253-257, 370). After Brown departed, EMS personnel treated Person A for bruises to his knee (T. 123, 260-262, 287, 290-291). He refused further medical treatment and left the

area (T. 263). Respondent Hanna attempted to obtain pedigree information from Person A but he only provided his name and date of birth (T. 329).

After they left the scene, Respondents returned to the 28th Precinct to confer with their Patrol Supervisor, Sergeant Arnedos (T. 264).

The following is a summary of the relevant trial evidence.

Sergeant Nicholas Graziano testified that on October 9, 2017, Person A made a complaint at the 28th Precinct concerning the interaction he had with Brown (T. 24, 68). A Member of Service documented his physical injuries in photographs (T. 38-44; Dept. Exs. 2A, 2B, 2C, 2D). In addition to the injury to his knee, Person A alleged that Brown had damaged his mobile phone (T. 44). Based upon this complaint, Sergeant Graziano of Manhattan North Investigations investigated Brown's use of force against Person A he also explored the actions of Sergeant Arnedos, Respondent Grant, and Respondent Hanna in the aftermath of Brown's use of force. He obtained each Respondent's Activity Log for October 8, 2017 (Dept. Exs. 3, 4) during this investigation. Sergeant Graziano's study revealed that neither Respondent's Activity Log entry regarding the incident with Person A contained his pedigree information; the ACR number generated by EMS; a reference to an Aided Report; a reference to a Threat, Resistance, Injury Report; or a complaint report (T. 51-52). He further discovered through his investigation that neither Respondent completed an Aided Report; a Threat, Resistance, Injury Report; or a complaint report (T. 53-55, 93). Sergeant Graziano's investigation revealed that neither Respondent provided sufficient information to Sergeant Arnedos as their supervisor (T. 56-57, 92-93). According to Sergeant Graziano, Respondents should have informed Sergeant Arnedos about Person A injury and the damage to his personal property (T. 57).

Finally, Sergeant Graziano testified that based upon his search of the Internal Affairs log and his interviews, neither Respondent reported Brown's actions, either to their supervisor or to Internal Affairs, as misconduct (T. 55-56).

Respondent Grant testified that as she was interviewing the two women, she saw Brown perform a takedown maneuver with Person A causing her to say, "No, no, no. That's not necessary" (T. 252, 283). At the same time, she heard Respondent Hanna say, "No, no, no. You do not need to do that" (*Id.*). Respondent Grant turned her attention back to the two women, then heard a loud sound. When she turned in the sound direction, she observed Person A laying on his side with Brown standing over him, attempting to handcuff him (T. 253).

According to Respondent Grant, once Person A was handcuffed, Brown sat him up against a gate on the sidewalk. At that point, Person A companions began yelling and using profanity, saying, "It wasn't necessary; look what you've caused." A crowd started gathering around Person A and the police officers (T. 254-255). Person A protested his treatment, telling Brown, "Look what you did to me; look at my knees." Brown continued in a heated discussion with Person A for approximately 1½ minutes (T. 122, 255-256, 285-286). Respondent Grant testified that Respondent Hanna walked up to Brown and told him, "[Officer] Brown, stop. Just recuse yourself from this so we can deal with the situation. You're making it worse than it is" (T. 257).

Brown then turned his attention to one of Person A female companions and began arguing with her; Respondent Hanna then told Brown, "Brown, I said stop; leave the area" (T. 122, 286). As Brown walked away, he said something to the woman he had been arguing with, to which she responded, "You're so disrespectful" (T. 257-258).

Respondent Grant testified that she then called Sergeant Arnedos, who was her supervisor. When he answered his phone, she told him that she and Respondent Hanna were at the "34, which is an EDP. The gentleman seems to be a little intox. I'm going to give you a

quick synopsis.” She explained that when they went to the restaurant, they spoke with the manager, who did not wish to press charges. The manager told them that he had asked Person A and his companions to leave the restaurant, which they did. Brown then appeared on the scene, “accosted an individual” a block away, and brought him back to the restaurant to apologize. Respondent Grant then told Sergeant Arnedos that Brown had performed a takedown on the individual who sustained injuries (T. 259-260, 313). According to Respondent Grant, Sergeant Arnedos then told her, “Okay, thank you for the heads up. Meet me back at the stationhouse afterwards.” (T. 260, 292).

Respondent Grant testified that when she returned to the precinct, she reported to the Desk Officer, Sergeant Filizzola, as she awaited Sergeant Arnedos’ arrival (T. 266, 268, 292). While she saw Sergeant Arnedos arrive at the precinct, she did not speak with him; Respondent Hanna provided him a report of their response at the restaurant and Brown’s actions, which she could hear. After the conversation between Respondent Hanna and Sergeant Arnedos, she recalled Sergeant Arnedos turning to Sergeant Filizzola and saying, “Get Officer Brown back here. I have him to tend to” (T. 265-266). Respondent Grant had no further contact with Brown concerning his behavior (T. 266). According to Respondent Grant, Sergeant Arnedos told her and Respondent Hanna that Brown would prepare the Aided Report and the Threat, Resistance, Injury Report (T. 313-314).

Respondent Grant testified that while she and Respondent Hanna were speaking with the restaurant manager, she did not hear him say that Person A had thrown anything but that he might have said that (T. 278-279). Based on her observation of Police Officer Brown’s actions at the scene, Respondent Grant admitted that she was required to notify her supervisor, Sergeant Arnedos, which she claimed she did (T. 267). She later admitted that she did not attempt to

report Brown's actions to Internal Affairs and had no explanation for why she did not do so (T. 284-285).

Respondent Grant admitted that she did not complete an Aided Form but explained that she only had Person A name; she did not recall whether Person A had provided his date of birth to Respondent Hanna (T. 268, 291). However, she did remember hearing Sergeant Arnedos tell Respondent Hanna, "When Brown gets to come in, he's going to do the TRI later" (*Id.*). Respondent Grant further confirmed that when she closed out the assignment with a "10-55, treated by EMS, no need for police involvement" code, she was aware that her designation was inaccurate (T. 305-306). She acknowledged that the proper disposition would have been a "10-93 Queen" (T. 307).

Respondent Grant further admitted that in the activity log entry she made regarding the call, she never noted that she had witnessed a forcible takedown of Person A never noted his name; never noted the name of the 911 caller, and did not note the ICAD number from the ambulance (T. 308-309).

Respondent Hanna testified that when she saw Person A on the ground being handcuffed, she yelled at Brown, "Wait a minute, wait a minute" (T. 325). She then turned to Person A sister and girlfriend, telling them, "Don't make the situation worse; let us do our job" (*Id.*). Respondent Hanna observed a crowd gathering, then walked over to Brown and told him, "Just go '98'; let us handle it, we'll finish the job" (T. 326-327).

After Brown left the scene, an ambulance arrived; Respondent Hanna escorted Person A to it, as she had observed injuries to his knees (T. 327-328). As she accompanied him to the ambulance, Person A was crying, walking with an unsteady gait, saying, "Why did he do this to me?" (*Id.*, 374). Respondent Hanna suspected that Person A was intoxicated, based upon his gait and slurred speech (*Id.*). She sat Person A down on the ambulance and urged him to calm down;

as she did so, EMT personnel cleaned the abrasion on his knee and applied a bandage (T. 329). Respondent Hanna then asked Person A for pedigree information: he provided his name and date of birth before becoming uncooperative (*Id.*). Person A then said, “I just want to go home; I don’t want to go to the hospital. Please just leave me alone” (T. 329-330). Person A signed a document refusing medical attention, then left with his companions (*Id.*).

Respondent Hanna sent a text message to Sergeant Arnedos, saying they “needed to talk because one of our jobs did not go the way it should have” (T. 331). She included Brown’s name in the text message, but did not provide any detail “because [Sergeant Arnedos] was at a ‘heavy job’” (T. 331-332). Sergeant Arnedos responded to the text, saying that he would meet them at the stationhouse when he concluded the job that he was on (T. 332).

According to Respondent Hanna, when she returned to the 28th Precinct, she provided “the details of the job” to the Desk Officer, Sergeant Filizzola (T. 332). When Sergeant Arnedos returned to the precinct about 10-15 minutes later, she took him to a room to brief him. Respondent Hanna explained that Brown appeared at their call and brought Person A to the scene; she was unaware of what information Brown possessed before doing so. She explained further that she observed Brown do a takedown maneuver of that individual, but she did not know the basis of Brown’s use of force. She told Sergeant Arnedos that she collected what pedigree information she could but was uncomfortable completing the Aided Report since she believed that Brown would have to complete a “Threat, Resistance, and Injury” form and the forms went “hand in hand.” According to Respondent Hanna, Sergeant Arnedos said, “I agree” (T. 332-333). She testified that though she told Sergeant Arnedos and Sergeant Filizzola that Brown had used a takedown, but conceded that she did not notify Internal Affairs about his use of force (T. 334).

Respondent Hanna acknowledged that intentional destruction of property is a misdemeanor, punishable under Penal Law section 145.00, regardless of its value (T. 351). She further explained that after the waiter had informed her that Person A had thrown a “cup,” she questioned the manager, who stated that Person A had knocked over a glass (T. 353). Respondent Hanna acknowledged that during her Department interview, she had said that she was informed by the 911 caller, who she noted at trial was the restaurant manager, that Person A had thrown “a cup or two” and that they had broken (T. 356-358).

Respondent Hanna further acknowledged the existence of Operations Order #5 of 2012, which required her to document all crimes, whether or not she intended to make an arrest, and that the complainant’s lack of desire to press charges was not a factor to be considered in deciding whether to complete a complaint report (T. 361-362). She conceded that she observed no behavior on Person A behalf, which would have warranted a forcible takedown by Brown, and that she considered his use of force improper (T. 365-366, 405). Respondent Hanna admitted that despite her belief that Brown’s actions were inappropriate and likely constituted misconduct, she did not notify Internal Affairs (*Id.*, 403, 406). She further acknowledged that she had an obligation to report any such misconduct to Internal Affairs (T. 366, 369). She also admitted that Person A had told her that Brown had broken his phone due to the takedown (T. 371).

Respondent Hanna acknowledged that based solely upon her perception that Person A was intoxicated, it would have been her responsibility to complete an Aided Report (T. 378). She further conceded that she could have obtained the ICAD, the credentials of the treating EMT, and the number of the ambulance, but did not recall doing so (T. 379-380, 400). She explained that she did write Person A name and date of birth on the wrapper for a gauze pad, which she turned over to Sergeant Arnedos at the precinct (T. 382, 396). Respondent Hanna further

admitted that she did not make an entry in her Activity Log of the pedigree information, but “in hindsight,” she should have done so (T. 384). She also admitted that, being aware that they should have completed an Aided Report and a Threat, Resistance, and Injury report, the disposition of the job as a "10-55 EMS" was incorrect (T. 385).

Respondent Hanna was confronted with her Department interview and then conceded that she told Sergeant Arnedos that, in sum and substance, she “wouldn't put her hands on those reports” (T. 388-395). Despite this assertion, she examined Respondent's Exhibit C, which contained the ICAD, the credentials of the treating EMT, and the number of the ambulance, then testified that she must have written them down on the gauze pad wrapper she turned over to Sergeant Arnedos (T. 396-398).

Police Officer Brown testified that he executed a takedown maneuver against Person A and placed him under arrest. When Person A stopped and turned around, Person A hand struck Brown's right arm and wrist (T. 146-147, 153). Brown testified that he did not provide any information to Respondent Grant or Respondent Hanna about what may have transpired between him and Person A before handcuffing him (T. 148-149). He testified further that after he disengaged from Person A he walked past the restaurant manager and asked him what had happened in the restaurant that led to the 911 call. According to Brown, the manager told him that Person A had become irate when he was told that he was being “cut off”; he then stood up, took a glass in his hand, and threw it at the restaurant manager, striking him in the shoulder (T. 123-124, 138). After Brown left the scene, Sergeant Arnedos picked him up and transported him back to the 28th Precinct to prepare a Threat, Resistance, and Injury Report to detail his use of force against Person A (T. 124-125). Brown testified further that although he did not witness any medical treatment provided to Person A he completed an Aided Report; he did not recall with whom he spoke but was confident that someone who had been on the scene provided the

information necessary for the completion of the report (T. 127). Brown was disciplined for his role in the incident with Person A (T. 128).

Sergeant Arnedos testified that he first became aware of Respondents' assignment when he received a telephone call from Respondent Grant; in that call, she advised him that she "responded to an 'intox' call at the [REDACTED] Restaurant. Brown came to provide backup, intervened and 'made a mess out of the job,'" alluding to Brown pushing Person A back to the restaurant (T. 171, 197, 222). When he received the call from Respondent Grant, he was supervising other officers on another assignment involving an Emotionally Disturbed Person (EDP) (*Id.*). He testified that she also told him that Brown "pushed the 'intox' back towards the [REDACTED] Restaurant to have him apologize to the manager" (T. 172).

Once Sergeant Arnedos completed his supervision of the EDP call, he returned to the 28th Precinct and spoke with both Respondents (*Id.*). He testified that during their conversation, neither Respondent told him about any altercation nor any actions Brown had taken while he was pushing Person A back to the restaurant (T. 173). He testified further that neither Respondent advised him about any injury Person A sustained during the incident (T. 174). Finally, Sergeant Arnedos testified that neither Respondent told him that Brown performed a forcible takedown, that Person A had been handcuffed or that Person A phone was damaged (T. 174-175). However, Respondents did tell Sergeant Arnedos that they felt they should not have to fill out the reports because they had not "put their hands on Person A (T. 176). He was aware that Brown completed the Aided Report but assumed that he had been at the scene for the duration of the

¹ Brown accepted a negotiated penalty of five days for: (1) failing to follow proper procedure for handling an emotionally disturbed person; (2) failing to inform other police officers at the scene of the circumstances surrounding his placing Person A under arrest; (3) failing to prepare a complaint report; (4) failure to promptly inform a supervisor that he used force on a suspect; (5) including inaccurate information in the Threat, Resistance and Injury Report and Aided Report; and (6) failure to inform his supervisor of the circumstances surrounding an arrest/EDP radio run (T. 132-136) (*Disciplinary Case No. 2018-18752* [April 8, 2019]).

incident; he was unaware that Brown had been asked to leave by Respondent Hanna and had not been present while Person A was treated by EMS personnel (T. 177-178).

Sergeant Arnedos testified that he first learned of the forcible takedown and the injuries to Person A knee when confronted with that evidence at his Department interview.² (T. 179-180, 224). Sergeant Arnedos also testified that the disposition of “10-55 EMS” was inappropriate since there were other documents to prepare; the proper classification would have been “93 Queen – Other Reports Prepared” (T. 183).

I credit the testimony of Police Officer Brown, as it consisted mainly of his admissions to improper policing, which resulted in discipline. As such, his testimony has the character of statements against penal interest, which are reliable.

I also credit the testimony of Sergeant Arnedos, although his recollection of the material facts surrounding Respondents’ handling of their assignment was sparse. I find that he was credible when he testified that neither Respondent informed him on October 8, 2017, that Brown had forcibly brought Person A to the ground and injured him. I find this assertion credible because Sergeant Arnedos’ conduct on that date appears to be logical if he were operating under the impression that no misconduct had occurred. He identified the date of his Department interview as when he learned that he did not possess all the information he should have had on that date. I find further support for his credibility in that he, too, was disciplined for his actions that day, and his testimony appears consistent with someone who has accepted responsibility for their unprofessional conduct.

² Sergeant Arnedos received a Schedule “B” command discipline for failing to conduct a proper investigation upon learning that one of his subordinates was involved in a use of force incident, for which he forfeited two penalty days. (T. 208)

I credit the testimony of each Respondent concerning the actions they took individually and collectively during their radio call. I further credit their candid admissions that they each neglected to complete standard police forms without sufficient justification. I find their assertions of informing their supervisor, Sergeant Arnedos, and the Desk Officer, Sergeant Filizzola, of Brown's unprofessional behavior inaccurate.

Disciplinary Case No. 2018-18750

Specification 1: Failure to Make Accurate Entries in Activity Log

I find by a preponderance of the relevant, credible evidence that the Department has met its burden of proof that Respondent Grant failed to make accurate entries in her Activity Log regarding the incident with Person A on October 8, 2017.

Patrol Guide procedure 212-08 requires Members of Service to make entries in their activity logs that include "information pertinent to an assignment" (P.G. 212-08[1][c][2]).

Respondent Grant admitted under oath that her activity log regarding the incident at 2168 Frederick Douglass Boulevard did not include that Person A was injured while in police custody or that he received medical treatment at the scene. I find that under the circumstances presented in this case, the facts mentioned above were pertinent. Person A was injured in a manner strongly suggesting misconduct. The responding EMS unit treated Person A for an injury unrelated to the original reason dispatch had directed them to the scene of the radio run.

Moreover, an examination of Respondent Grant's activity log regarding the incident would lead an uninformed observer to believe that Person A was treated only for intoxication. When compared to the omitted facts, the entry is objectively misleading.

Accordingly, I find her Guilty of Specification 1.

Specification 2: Improper Disposition of Job

By a preponderance of the relevant, credible evidence, I find that the Department has met its burden of proof that Respondent Grant gave an improper disposition regarding the incident with Person A on October 8, 2017.

Respondent Grant admitted under oath that when she designated the conclusion of the job at 2168 Frederick Douglass Boulevard as a “10-55, EMS, no police necessary,” she was aware that it was incorrect and that the proper disposition of the job was “10-93 Queen,” for Additional Reports Required.

I further find that such improper disposition of the job was contrary to good order, discipline, and efficiency in this Department. Police officers perform a public function when they respond to calls for assistance from the public. It is axiomatic that in the performance of that function, they must faithfully record the disposition of the assignment. Failure to abide by this standard is an open invitation for police officers to classify the performance of their duties in a self-serving manner, which is contrary to the public interest and corrosive of the public trust. In this case, I find that the misclassification of the job was deliberate and calculated to avoid documenting the misconduct of a fellow MOS.

Accordingly, I find her Guilty of Specification 2.

Specification 3: Failure to Prepare Complaint Report

I find by a preponderance of the relevant, credible evidence that the Department has met its burden of proof that Respondent Grant failed to prepare a complaint report regarding the incident with Person A on October 8, 2017.

Operations Order Number 5 (Jan. 17, 2012) requires Members of Service to complete a complaint report worksheet when they learn that a complainant has been the victim of a crime; the complainant's willingness to prosecute an offender is not a factor MOS are permitted to take

into consideration when determining whether a complaint report worksheet is to be prepared (Operations Order #5).

Respondent Hanna testified under oath that a witness from the [REDACTED] Restaurant informed her that Person A had thrown a glass inside the restaurant and that the glass had broken. Such facts support a charge of Criminal Mischief in the Fourth Degree (P.L. § 145.00[1]). A person is guilty of Criminal Mischief in the Fourth Degree when he intentionally damages the property of another, regardless of the amount of the damage (*Id.*). Once Respondent Grant was made aware of this information, she should have completed a complaint report worksheet, even if the restaurant manager had no desire to press charges.

Accordingly, I find her Guilty of Specification 3.

Specification 5: Failure to Prepare an Aided Report

I find by a preponderance of the relevant, credible evidence that the Department has met its burden of proof that Respondent Grant failed to prepare an Aided Report for Person A who was injured in police custody.

Patrol Guide procedure 216-01 directs Members of Service to prepare an Aided Report whenever a person receives medical aid or assistance because that person is injured (P.G. 216-01). It is undisputed that Person A was treated at the scene by EMT personnel. Based on that fact alone, Respondent Grant should have completed an Aided Report. Moreover, EMS treated Person A for injuries inflicted by a Member of Service. In such a circumstance, documentation of the source and extent of a person's injury is essential to create a record for possible future litigation. However, in this case, Respondent Grant's failure to prepare the Aided Report took on greater significance because she steered responsibility for completing the report toward the individual responsible for inflicting Person A injury.

Accordingly, I find Respondent Grant Guilty of Specification 5.

Specification 6: Failure to Report Misconduct to Supervisor

I find by a preponderance of the relevant, credible evidence that the Department has met its burden of proof that Respondent Grant failed to report the misconduct of another Member of Service to a supervisor.

While Respondent Grant testified that she told Sergeant Arnedos in a telephone call from the scene that Brown had performed a takedown on Person A and that Person A had suffered injuries, such assertion conflicts with Sergeant Arnedos' testimony that the first time he heard about a takedown was when confronted with that fact at his Department interview.

Respondent Grant is interested in her assertion being accepted as reliable because it would be an absolute defense to the misconduct charged in the specification. However, crediting such an assertion relies upon Sergeant Arnedos corroborating it; he not only doesn't corroborate it, but he also asserts that Respondent Grant never made it to him. Under the circumstances, Sergeant Arnedos' assertion is the more reliable. I, therefore, find Respondent Grant's testimony on this point unreliable.

In addition, Respondent Grant testified that she informed Sergeant Filizzola of Brown's takedown and Person A resulting injury. This testimony is unsupported by either a desk log entry or Sergeant Filizzola's testimony. Given Respondent Grant's interest in the outcome of this case, I find this assertion unreliable.

While Respondent Grant was not charged with failing to report misconduct to Internal Affairs, her admission that she did not do so eliminated another avenue of corroboration for her assertions that she reported the misconduct to her supervisors.

I further find Respondent Grant's conduct prejudicial to the Department's good order, efficiency, or discipline. Under the circumstances of this case, she claimed that she reported misconduct to two different supervisors, and her assertions were unsupported by independent

evidence or logic. Such conduct erodes the discipline of a paramilitary organization by impeding the supervision of the force.

Accordingly, I find Respondent Grant Guilty of Specification 6.

Specification 7: Failure to Provide Pertinent Information to a Supervisor

I find by a preponderance of the relevant, credible evidence that the Department has met its burden of proof that Respondent Grant failed to disclose to a supervisor the extent of the circumstances surrounding a radio run to which she was assigned. I further find that Respondent Grant's failure to provide a complete discourse of the events of the radio run and its conclusion were prejudicial to the good order, efficiency, or discipline of the Department.

As a supervisor, Sergeant Arnedos had a right to know whether a Member of Service under his direct supervision committed misconduct or, under the best of circumstances, required retraining to perform the duties of his assignment within the guidelines of the Patrol Guide. One of the core responsibilities of this Department's supervisors is to enforce compliance with regulations. By failing to provide Sergeant Arnedos all the information she possessed regarding Brown's actions toward Person A Respondent Grant pre-emptively neutralized his opportunity to effectively supervise Brown by denying him information that would typically lead a supervisor to take action. Her failure to provide this critical information, as previously discussed concerning Specification 5, erodes the discipline of a paramilitary organization by impeding the effective supervision of the force.

Accordingly, I find Respondent Grant Guilty of Specification 7.

Disciplinary Case No. 2018-18751

Specification 1: Failure to Make Accurate Entries in Activity Log

I find by a preponderance of the relevant, credible evidence that the Department has met its burden of proof that Respondent Hanna failed to make accurate entries in her Activity Log regarding the incident with Person A on October 8, 2017.

As noted above, Patrol Guide procedure 212-08 requires Members of Service to make entries in their activity logs that include “information pertinent to an assignment” (P.G. 212-08[1][c][2]).

An examination of Respondent Hanna’s Activity Log for the incident at 2168 Frederick Douglass Boulevard reveals that she did not refer to Person A by name; made no reference to the injury he suffered as a result of Brown’s takedown; and made no notations regarding either the ICAD, Aided Report or Threat, Resistance, and Injury report. Based upon her testimony, she possessed this information at the time she completed her Activity Log.

As I previously found concerning Respondent Grant, Respondent Hanna’s entries strongly suggest that the only unusual circumstance from the job was that the person whose conduct was the predicate for the 911 call was intoxicated. Under these circumstances, this entry was also misleading.

Accordingly, I find Respondent Hanna Guilty of Specification 1.

Specification 2: Improper Disposition of Job

I find by a preponderance of the relevant, credible evidence that the Department has met its burden of proof that Respondent Hanna gave an improper disposition regarding the incident with Person A on October 8, 2017. I further find that her entry of an improper disposition was conduct prejudicial to the Department’s good order, efficiency, or discipline.

Respondent Hanna admitted during her testimony that the “10-55 EMS” code she used in her Activity Log entry was improper. As Sergeants Graziano and Arnedos testified, and Respondent Grant admitted, the correct disposition would have been “93 Queen Additional Reports required.”

Accordingly, I find Respondent Hanna Guilty of Specification 2.

Specification 3: Failure to Prepare Complaint Report

By a preponderance of the relevant, credible evidence, I find that the Department has met its burden of proof that Respondent Hanna failed to prepare a complaint report regarding the incident with Person A on October 8, 2017.

Respondent Hanna admitted that a waiter from the [REDACTED] Restaurant told her that Person A had thrown a cup; she further admitted that during her Department interview, she stated that she was informed by the restaurant manager that Person A had thrown a “cup or two” and that they had broken. Finally, she admitted that Operations Order #5 required the completion of a complaint report regardless of whether the manager intended to press charges.

Accordingly, I find Respondent Hanna Guilty of Specification 3.

Specification 5: Failure to Prepare an Aided Report

I find by a preponderance of the relevant, credible evidence that the Department has met its burden of proof that Respondent Hanna failed to prepare an Aided Report for Person A who was injured in police custody.

By her testimony, Respondent Hanna established that she, of all the police officers present at the scene, was in the best position to complete an Aided Report: she witnessed EMS personnel treating Person A and obtained the necessary ACR number and unit number from EMS, as well as pedigree information from Person A. She admitted writing some notes down on a discarded gauze bandage wrapper, which she turned over to Sergeant Arnedos. Respondent

Hanna examined Respondent's Exhibit C and conceded that she must have provided all of the required information to Arnedos. Brown completed the form, and he was not present to witness any of the activities EMS engaged in at the scene.

Accordingly, I find Respondent Hanna Guilty of Specification 5.

Specification 6: Failure to Report Misconduct to Supervisor

I find by a preponderance of the relevant, credible evidence that the Department has met its burden of proof that Respondent Hanna failed to report the misconduct of another Member of Service to a supervisor.

While Respondent Hanna testified that she told Sergeant Arnedos, in a conversation at the 28th Precinct, that she observed Brown do a takedown maneuver of that individual, but she did not know what the basis of Brown's use of force was; and that she was uncomfortable completing the Aided Report, she did not explicitly state that she believed Brown's actions constituted misconduct in her view. She also conceded during her testimony that she did not make a report to Internal Affairs of Brown's actions. As discussed above, concerning Respondent Grant, these assertions conflict with Sergeant Arnedos' testimony that the first time he heard about a takedown was when confronted with that fact at his Department interview.

Like Respondent Grant, Respondent Hanna is interested in her assertions being accepted as reliable because they would be an absolute defense to the misconduct charged in the specification. Sergeant Arnedos, however, not only does not corroborate her assertions, he directly refutes them. Under these circumstances, Sergeant Arnedos' assertion is the more reliable; I, therefore, find Respondent Hanna's testimony on this point unreliable.

Respondent Hanna, just like Respondent Grant, testified that she informed Sergeant Filizzola of Brown's takedown and **Person A** resulting injury. This testimony is unsupported by

either a desk log entry or Sergeant Filizzola's testimony. Given Respondent Hanna's interest in the outcome of this case, I find this assertion also unreliable.

I further find Respondent Hanna's conduct prejudicial to the Department's good order, efficiency, or discipline.

Accordingly, I find Respondent Hanna Guilty of Specification 6.

Specification 7: Failure to Provide Pertinent Information to a Supervisor

I find by a preponderance of the relevant, credible evidence that the Department has met its burden of proof that Respondent Hanna failed to disclose to a supervisor the extent of the circumstances surrounding a radio run to which she was assigned. I further find that Respondent Hanna's failure to provide complete disclosure of the events of the radio run and its conclusion were prejudicial to the good order, efficiency, or discipline of the Department.

As set forth above, Sergeant Arnedos had a right to know whether a Member of Service committed misconduct under his direct supervision. Respondent Hanna's failure to provide Sergeant Arnedos all the information she possessed regarding Brown's actions toward Person A undermined this Department's ability to hold Members of Service accountable for how they perform their duties to the public.

Accordingly, I find Respondent Hanna Guilty of Specification 7.

PENALTY

In order to determine appropriate penalties, the Tribunal, guided by the Department Disciplinary System Penalty Guidelines ("Disciplinary Guidelines"), considered all relevant facts and circumstances, including any aggravating and mitigating factors established in the record. Respondents' employment records were also examined (*see* 38 RCNY § 15-07). Information

from their personnel records that was considered in making this penalty recommendation is contained in the attached memoranda.

Respondent Grant, who was appointed to the Department on July 10, 2006, has been found guilty of: (1) failing to prepare an Aided Report and a complaint report; (2) failing to enter all pertinent information in her Activity Log; (3) assigning an improper disposition to a completed job; (4) failing to report the misconduct of a fellow MOS to a supervisor; and (5) failing to disclose to her supervisor all of the pertinent circumstances of a job to which she was assigned.

Respondent Hanna was appointed to the Department on January 10, 2007. She has similarly been found guilty of: (1) failing to prepare an Aided Report and a complaint report; (2) failing to enter all pertinent information in her Activity Log; (3) assigning an improper disposition to a completed job; (4) failing to report the misconduct of a fellow MOS to a supervisor; and (5) failing to disclose to her supervisor all of the pertinent circumstances of a job to which she was assigned.

The Department Advocate has recommended a penalty of thirty days for each Respondent; I disagree.

Based upon the record before me, I find it mitigating that Respondents performed some of their duties outside the [REDACTED] Restaurant in an exemplary manner, including where they attempted to dissuade Brown from performing a takedown on Person A culminating in their appeal to Brown to leave the scene before the gathering crowd became unruly after witnessing his questionable use of force. In the aftermath of Brown's unprofessional behavior, however, their performance was less than reasonable.

The Disciplinary Guidelines establish a presumptive penalty of five days each for failure to prepare a complete activity log, assigning an improper disposition to a job, failure to prepare a

complaint report, and failure to prepare an Aided Report. Failure to make a proper notification and properly perform a patrol assignment each carries a presumptive penalty of five days.

I find that, under the circumstances present in this case, imposing separate penalties for each specification would undermine the proper "balance between punishment, deterrence and remediation" (Disciplinary Guidelines, p. 12-13). I, therefore, recommend that the penalties run concurrently with each other. Police Officer Brown negotiated a penalty of five vacation days for essentially the same misconduct of which Respondents have been found Guilty. The main difference among the three disciplinary cases is that Respondents were also charged with making an improper disposition of a job. I note that Brown was not disciplined for unlawful use of force; he pled guilty to failing to provide the relevant circumstances of his use of force to Sergeant Arnedos. Under these circumstances, his failure to provide information is comparable to Respondents being found Guilty of failing to report misconduct.

It is clear from the record that both Respondents suspected Brown's use of force against Canello was possible misconduct; their dilemma was what to do about that suspicion. The record is also clear that they each made decisions to minimize the questionable interaction and its aftermath. Neither Respondent made a report to Internal Affairs, which clearly would have satisfied the requirement that MOS report suspected misconduct immediately. Instead, each Respondent departed from policy and regulation in failing to complete reports they were undoubtedly trained to complete and had completed on scores of occasions before October 8, 2017. Accordingly, I recommend that Respondent Grant and Respondent Hanna each forfeit five vacation days.

APPROVED

JAN 14 2022
KEESHANT L. SEWELL
POLICE COMMISSIONER

Respectfully submitted,

Paul M. Gamble
Assistant Deputy Commissioner Trials



POLICE DEPARTMENT CITY OF NEW YORK

From: Assistant Deputy Commissioner – Trials
To: Police Commissioner
Subject: SUMMARY OF EMPLOYMENT RECORD
POLICE OFFICER STEPHANIE HANNA
TAX REGISTRY NO. 943941
DISCIPLINARY CASE NO. 2018-18751

Respondent was appointed to the Department on January 10, 2007. On her last three annual performance evaluations, she received overall ratings of "Exceeds Expectations" for 2018 and 2020 and a rating of "Meets Standards" for 2019. She has been awarded one medal for Excellent Police Duty.

In 2017, Respondent forfeited 12 vacation days after pleading guilty to (i) failing to safeguard an emotionally disturbed person, (ii) failing to request the response of a patrol supervisor after a cognitively impaired person, requiring hospitalization, went missing, (iii) failing to conduct a thorough search for said EDP and notify her supervisors, (iv) being discourteous to a civilian by refusing to give her a ride home from the hospital and (v) rolling up the vehicle window while a civilian tried to speak to her.

In July 2017, Respondent was placed on Level I Discipline Monitoring; that monitoring remains ongoing.

For your consideration.

Paul M. Gamble
Assistant Deputy Commissioner Trials



POLICE DEPARTMENT CITY OF NEW YORK

From: Assistant Deputy Commissioner – Trials
To: Police Commissioner
Subject: SUMMARY OF EMPLOYMENT RECORD
POLICE OFFICER NARDA GRANT
TAX REGISTRY NO. 941844
DISCIPLINARY CASE NO. 2018-18750

Respondent was appointed to the Department on July 10, 2006. On her most recent performance evaluations, she received an overall rating of "Meets Standards" for 2018 and a rating of "Exceeds Expectations" for 2017.

Respondent has no formal disciplinary record. In connection with the instant matter, she was placed on Level I Discipline Monitoring on July 13, 2018; that monitoring remains ongoing.

For your consideration.

Paul M. Gamble
Assistant Deputy Commissioner Trials